IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 16563 of 2003

Between:

Y.Madhusudhan s/o Ambana
R/o Kurnool., C/o Secretary., APSRTC.,
Transport Mazdoor Union., Kurnool District.

..... PETITIONER

AND

1 The Principle Secretary to the Government,

Labour Employment Training and Factories
(Lab-I)., Secretariat, Hyderabad.
2 The Assistant Commissioner of Labour,

Kurnool, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in rejecting the petitioners case for referring the dispute to the concerned labour court or tribunal for adjudication as required under section 12(5) of Industrial Disputes Act vide letter dated 19-8-99 as illegal, arbitrary, unjust and set aside the same, and consequently direct the Ist respondent to refer the dispute to the concerned Labour Court for adjudication on the issue raised by the petitioner.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: MR. KANTI NARAHARI

The Court made the following:

ORDER:

Heard Sri G.Ravi Mohan, learned Counsel appearing for the petitioner and also Sri K.Narahari, learned Standing Counsel appearing for the respondent-Corporation.

The only question involved in this writ petition is with regard to the refusal to refer the dispute under Section 12(5) of the Industrial Disputes Act to the Labour Court merely on the ground of delay. The said question is no longer *res integra*. In similar circumstances, this Court has already allowed WP.No.10478 of 2004, dated 14-3-2005, holding that the delay cannot be a ground for rejection of any such application.

Following the same, this writ petition is allowed, and the impugned letter dated 19-8-1999, rejecting the petitioner's case for referring the dispute to the Labour Court, is set aside. Respondent No.1 is directed to refer the petitioner's dispute to the Labour Court. The entire exercise shall be completed within a period of two months from the date or receipt of a copy of this order. There shall be no order as to costs.

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06-04-2005

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To

1 The Principle Secretary to the Government,

Labour Employment Training and Factories
(Lab-I), Secretariat, Hyderabad.

2 The Assistant Commissioner of Labour,

Kurnool, Kurnool District.

3 2 CD copies

4 1 CC to MR.RAVI MOHAN